

REMARKS

Claims 1-9 and 12-13 are pending.

Support for the amendment to claim 1 and new claim 12 and the upper and lower recitations for the “R/W ratio” may be found in the specification as originally filed, for example in paragraph [0013] and in the Examples (Table 1). Support for the amendment to claim 1 may also be found in paragraph [0023]. Claims 10 and 11 are cancelled in view of the amendment to claim 1.

Support for the amendment to claim 9 may be found in the specification as originally filed, for example in paragraph [0018].

Support for new claim 13 may be found in the specification as originally filed, for example in paragraph [0022].

I. Statement of Substance of Interview

Applicants wish to thank the Examiner for the helpful and courteous interview conducted on June 10, 2010. The “Interview Summary” dated June 17, 2010 accurately memorialized the general discussion. It was also discussed agreed that if an RCE was filed with amendments, that the next office action would not be a final rejection. The discussions of the interview are also mentioned below in context of the traversal of the Examiner’s rejections below.

II. The Rejection under 35 U.S.C. 112, First Paragraph

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement

Basically, the Examiner states that in claim 9 the language “in the drying step the film is conveyed with a tensile force of about 1.0” is new matter.

Claim 9 has been amended to recite the film to be stretched to “about 1.0 to 1.3 times” as disclosed in Applicants’ specification, paragraph [0018].

Therefore, Applicants respectfully submit that Applicants’ specification, as originally filed, provides support for the claimed subject matter.

III. The Rejection under 35 U.S.C. 112, Second Paragraph

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The Examiner states that the term tensile force of about 1.0 does not include a unit measurement.

Claim 9 has also been amended for clarity. It is respectfully submitted that Applicants’ claims are clear and definite and it is requested that the rejection under 35 U.S.C. §112 be reconsidered and withdrawn.

IV. The Rejections Based on Sugino and Nishida

Claims 1-4 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sugino et al. in view of Nishida et al.

Claim 1 has been amended to include the subject matter of claim 10 and 11. Claims 10 and 11 were not rejected based on Sugino et al. in view of Nishida et al alone. Therefore, this rejection is moot.

V. The Rejections Based on Sugino and Nishida in view of Tanaka and Kondo

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sugino et al. in view of Nishida et al in view of Tanaka et al.

Claim 11 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sugino et al. in view of Nishida et al. further in view of Kondo et al.

Applicants respectfully submit that the present invention is not rendered obvious over the disclosures of Sugino and Nishida, in view of the Tanaka and Kondo, and request that the Examiner reconsider and withdraw these rejections in view of the following remarks.

With respect to the Examiner's position that Nishida discloses multiple stages of dry stretching, claim 1 has been amended to recite that the stretching is wet stretching.

According to the manufacturing method of the present invention, a polarizing film free of display unevenness can be obtained by drying with R/W in a range of 1.0 to 4.0. None of the cited references describe obtaining a polarizing film having such a feature.

It is the state-of-the-art at the time of the instant Application that a dyeing step, a stretching step and a drying step are required to manufacture a polarizing film from a polyvinyl alcohol film. Since the dyeing step is conducted by soaking a film in a dye solution, for obtaining a polarizing film as the final product, it is required to conduct a drying step after the dyeing step. For the stretching step, two kinds of methods have been known: a wet stretching method and a dry stretching method. In a case of the wet stretching method, since the stretching is conducted in a solution, a drying step should follow the stretching for the purpose of obtaining a polarizing film as a final product. In a case of the dry stretching method, on the other hand, since stretching is conducted under a heating condition, there is no particular necessity of drying after stretching. Namely, even though the wet stretching method and the dry stretching method have a commonality as stretching, the conditions are quite different from each other. In view of this, it is not obvious from the state-of-the-art to apply directly the disclosure of Nishida regarding a dry

stretching method to the present application regarding a wet stretching method or to art related to a wet stretching method.

The “drying step for drying the film processed in the dyeing step and the stretching step” in claim 1 of the present invention relates to a final drying step for obtaining a polarizing film. In Nishida, as it is described that “stretching an unstretched polyvinyl alcohol film in dry”, the stretching in Nishida is a dry stretching step.

Nishida recites only that the drying step is conducted in multi stages. The L/W in Nishida denotes a value for an unstretched film. Nishida does not recite that the L/W value in Nishida is applied also to a stretched film. The description indicates only that the stretching step can be conducted in multi stages, but it does not teach that the L/W is not more than 0.6 also with regard to the stretched film.

Therefore, the Nishida invention and the present invention are quite different from each other in the techniques, and thus the combination of Nishida and Sugino and the application of Nishida to the present invention would not have been obvious.

The Examiner also argues that Sugino teaches that dyeing, stretching and drying steps can be conducted simultaneously. However, the paragraph of Sugino indicated by the Examiner includes only a description that dyeing, crosslinking and stretching can be conducted simultaneously. There is no description that the drying step can be conducted simultaneously with the dyeing step and the stretching step. In other words, Sugino has no description of simultaneously conducting drying and stretching as in Nishida. When taking this into

consideration, it is respectfully submitted that the Examiner's reasons for combining Sugino and Nishida are incorrect.

Even if Sugino and Nishida were combined, the R/W ratio of the claimed invention is at least 1.0 (1.0 to 4.0 in claim 1). Nishida does not include this range. Rather, Nishida teaches away from using the claimed range. As discussed during the interview, the Examiner considers the stretching to be a "result effective variable". However, it is respectfully submitted that the Examiner must consider the prior art as a whole, and can not merely ignore where the prior art teaches away from R/W ratios over 0.6.

As stated in MPEP 2144.05.II.A., "where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation" and it is "[t]he normal desire of scientists or artisans to improve upon what is already generally known provides a motivation to determine where in a disclosed set of percentages is the optimal percentage." Contrary to the case law, Applicants are not merely optimizing within a known range or optimizing within the conditions disclosed in the prior art. Rather, Applicants' claimed range is outside that of the cited art. From the prior art it would only have been obvious to optimize R/W in ratios below 0.6. There is no overlap in ranges.

During the interview, the unexpected results obtained by Applicants' claimed invention and Applicants' comparative data of the specification were discussed. The Examiner stated that the comparative data must be commensurate in scope with the claims. Applicants have amended claim 1 to recite a wet stretching method, that the film is a PVA film and have amended the R/W

ratio. See also new claim 12. It is respectfully submitted that Applicants' comparative data is evidence of unexpected results over the prior art.

As to claim 9, "the film is conveyed with a tensile force that causes the film to be stretched to 1.0 time in the drying step" indicates that the film is not stretched. However, when a roller is used to convey the film, the film will be stretched a little, namely to about 1.3 times due to the weight of the film or the like, even if there is no intention of stretching.

For the above reasons, it is respectfully submitted that the subject matter of claims 1-9 and 11-14 is neither taught by nor made obvious from the disclosures of Sugino and Nishida, in view of Tanaka and Kondo, and it is requested that the rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

VI. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections under 35 U.S.C. §112 and the rejections under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Application No. 10/585,511
Art Unit 1712

Amendment under 37 C.F.R. §1.114
Attorney Docket No. 062577

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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